

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN H. BENNETT,

Plaintiff,

v.

VIRGIL BERNERO, *et al.*,

Defendants.

Case No. 4:06-CV-90

Hon. Richard Alan Enslen

ORDER

Plaintiff Sean H. Bennett has moved *pro se* to disqualify the undersigned because of judicial rulings in this suit and case no. 5:04-cv-60. Oral argument is unnecessary in light of the motion. *See* W.D. Mich. L. Civ. R. 7.3(d).

Plaintiff's motion is based on judicial rulings which dismissed both suits and which denied futile and prejudicial motions for amendment.

Under 28 U.S.C. § 455 and *Liteky v. United States*, 510 U.S. 540, 548 (1994), a judge “shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” *Liteky*, 510 U.S. at 548 (quoting statute). This standard also generally views with disfavor requests for disqualification prompted by charges of bias arising from judicial events. “[O]pinions formed by the judge [during litigation] . . . do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible.” *Id.* at 555. The orders at issue in this case do not meet the standard articulated in *Liteky* and the Sixth Circuit Court of Appeals’ case law regarding recusal. *See Youn v. Track, Inc.*, 324 F.3d 409, 423 (6th Cir. 2003); *United States v. Sammons*, 918 F.2d 592, 599 (6th Cir. 1990); *Wheeler v. Southland Corp.*, 875 F.2d 1246, 1251 (6th Cir. 1989).

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Sean H. Bennett's Motion to Disqualify (Dkt. No. 12) is **DENIED**.

DATED in Kalamazoo, MI:
January 8, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE